

# Court of Appeals, State of Michigan

## ORDER

People of MI v Jason Anthony Briggs

Docket No. 332071

LC No. 15-003975-FH

Michael J. Talbot  
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray  
Judges

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Pursuant to MCR 7.205(E)(2), in lieu of granting the application for delayed appeal, the Court orders that the award of sentencing credit in the September 28, 2015 order of conviction and sentence is REVERSED and the matter REMANDED for the circuit court to prepare an amended judgment of sentence that reflects zero sentencing credit for the period before the sentence was imposed. Defendant was not entitled to credit pursuant to MCL 769.11b where his incarceration was not attributable to an inability to post bond for the instant offense. "The sentencing court had no discretionary authority to circumvent the operation of the statutory scheme. MCL 769.11b 'neither requires nor permits' sentencing credit except as provided in the statute." *People v Idziak*, 484 Mich 549, 568-569; 773 NW2d 616 (2009), quoting *People v Prieskorn*, 424 Mich 327, 340; 381 NW2d 646 (1986).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 03 2016

Date

  
Chief Clerk